

## **REMARKS**

In the September 19, 2006 Office Action, the Examiner noted that claims 1-9 were pending in the application; rejected claims 1-4 and 7-9 under 35 USC § 102(b) and rejected claims 5 and 6 under 35 USC § 103(a). In rejecting the claims, U.S. Patents 5,371,532 to Gelman et al.; 6,052,785 to Lin et al.; and 6,275,941 to Saito et al. (References A-C, respectively, in the September 19, 2006 Office Action) were cited. Claims 1-9 remain in the case. The rejections are traversed below.

### **Rejection under 35 U.S.C. § 102(b)**

In item 4 on pages 3-7, claims 1-4 and 7-9 were rejected under 35 U.S.C. § 102(b) as being anticipated by Gelman et al. The distinctions over Gelman et al. were discussed in the Amendment filed June 6, 2006 by Certificate of Mailing and received by the U.S. Patent and Trademark Office on June 9, 2006. Apparently in response to the arguments raised in the June 6, 2006 Amendment, the wording of the rejection of claim 1 on pages 3-4 of the September 19, 2006 Office Action was revised extensively.

For example, with respect to the distribution management unit, the September 19, 2006 Office Action asserted that column 3, lines 49-52 and 56-60; column 4, lines 13-15; column 6, lines 43-46 and column 12, lines 23-25 of Gelman et al. disclosed a "CO-SP 41 ... reserving (scheduling/requesting) a part of the shared resources (segment[s] of an information program)" (Office Action, page 4, lines 3-5). What is described at these portions of Gelman et al. is an architecture for central offices (COs) used in conjunction with information warehouses (IWHs), where the COs "manage subscribers' requests for information programs based upon associated scripts and maps" (column 3, line 50-51); "request information programs in segments comprising all or part of information programs from appropriate IWHs and buffering the segments once received for play-out to subscribers" (column 3, line 57-60). The segments are buffered because they are received "at rates typically exceeding real time" (column 4, lines 14-15). An IWH service processor (IWH-SP) "manages and schedules the distribution of requested information, such as scripts, maps, and information programs, from the IWH 10 in response to requests from the CO" (column 6, lines 43-46) and "checks traffic conditions in the network and schedules the transport of the requested segments to the CO 40 in high speed bursts" (column 12, lines 23-25).

To clarify the difference between a "reservation" (e.g., claim 1, line 9) as used in the subject application and the "requests for information programs" in the system disclosed by Gelman

et al., claim 1 has been amended to recite "managing reservation of a part of the shared resources allocated or re-allocated by the shared-resource management unit and managing distribution of a different part of the shared resources to each of the media distribution servers" (claim 1, lines 9-12). Also, the preamble of claim 1 has been amended to clarify that what is being managed are "shared resources of media distribution servers" (claim 1, line 2). It is submitted that these changes, combined with the previous recitation of "managing shared-resource information about both available network resources and available media-distribution-system resources" (claim 1, lines 4-6), should make it clear that the reservation of shared resources recited in claim 1 is considerably different than "request[ing] information programs in segments" as described in column 3 of Gelman et al. and that it would not be obvious to make such a reservation from the teaching in Gelman et al. regarding an information request, because that is not what is involved in allocating shared resources as recited in claim 1.

It is submitted that "shared resources," as that term is used in the subject application and would ordinarily be understood in the art, is not equivalent to "segments ... of information programs" that the COs then "play-out to subscribers" in the system taught by Gelman et al.

Furthermore, nothing has been cited or found in Gelman et al. that the COs "manage subscribers' requests for information programs" by performing any sort of "reservation." The "segments" are "played-out" or transmitted to subscribers in response to the requests. Nothing has been cited or found suggesting "reservation" of anything by a CO and certainly not "segments" which the Examiner equated to the "shared resources" recited in claim 1. Gelman et al. does indicate that scheduling occurs when the IWH-SP "checks traffic conditions in the network and schedules the transport of the requested segments to the CO ... in high speed bursts". However, the rejection asserted that it was the CO-SP 41 in Fig. 3, not the IWH-SP 11 in Gelman et al. that corresponded to the distribution management unit. Nothing has been cited or found in Gelman et al. suggesting that the "CO-SP 41" does any scheduling of segment "play-out" to subscribers and even less can be found regarding anything being reserved for the "play-out" process.

In addition to the revisions to the rejections, the "Response to Arguments" section on page 2 of the September 19, 2006 Office Action, asserted that the limitation "reserving a part of the shared resources allocated or re-allocated by the shared-resource management unit and distributing the part of the shared resources" as previously recited in claim 1 was taught by three sentence fragments in columns 4, 6 and 12 of Gelman et al. which refer to scheduling "transport of the requested segments [of content] to the CO" (column 12, line 25) in response to requests

from the CO of a telephone network. As discussed above, nothing has been found in the cited portions of columns 4, 6 and 12 or elsewhere in Gelman et al. regarding what form the scheduling takes, and it is not understood why the Examiner has asserted that the CO-SP 41, which is a component of the CO, anticipates the distribution management unit recited in claim 1 given the statement in column 11 of Gelman et al. regarding "transport of the requested segments to the CO" (emphasis added). In other words, the portions of Gelman et al. cited in the "Response to Arguments" section of the Office Action do not even suggest "managing reservation of a part of the shared resources allocated or re-allocated by the shared-resource management unit and managing distribution of the part of the shared resources to each of the media distribution servers" as now recited on lines 9-12 of claim 1.

For the reasons set forth above and in the June 6, 2006 Amendment, it is submitted that claim 1, as well as claims 2-4 which depend therefrom, patentably distinguish over Gelman et al.

Claims 7-9 define "shared resources" in a manner similar to amended claim 1. In addition, claims 7-9 recite, "reserving (to reserve) a part of the shared resources allocated or re-allocated ... and distributing (distribute) the part of the shared resources to each of the media distribution servers;" where the ellipsis (...) is only relevant to claim 8 and the parentheticals are used in claim 9 in place of the word immediately preceding each parenthetical. As discussed above, nothing has been cited or found in Gelman et al. suggesting reserving shared resources as defined in claims 7-9. Therefore, it is respectfully submitted that claims 7-9 patentably distinguish over the prior art.

#### **Rejection under 35 U.S.C. § 103:**

In item 5 on pages 8-9 of the September 19, 2006 Office Action, claim 5 was rejected under 35 U.S.C. §103 as being unpatentable over Gelman et al. in view of Lin et al. As noted above, claim 1 patentably distinguishes over Gelman et al. Claim 5 depends from claim 1 and inherits the patentable features thereof. Therefore, it is respectfully submitted that claim 5 also patentably distinguishes over Gelman et al. taken alone. Nothing was cited in or has been found in Lin et al. suggesting the addition of a reservation system in content distribution systems as taught by Gelman et al. Thus, it is respectfully submitted that dependent claim 5 patentably distinguishes over Gelman et al. in view of Lin et al.

In item 6 on pages 9-10 of the September 19, 2006 Office Action, claim 6 was rejected under 35 U.S.C. §103 as being unpatentable over Gelman et al. in view Saito et al. As noted above, claim 1 patentably distinguishes over Gelman et al. Claim 6 depends from claim 1 and

inherits the patentable features thereof. Therefore, it is respectfully submitted that claim 6 also patentably distinguishes over Gelman et al. taken alone. Nothing was cited in or has been found in Saito et al. suggesting the addition of a reservation system in content distribution systems as taught by Gelman et al. Thus, it is respectfully submitted that dependent claim 6 patentably distinguishes over Gelman et al. in view of Saito et al.

### Summary

It is submitted that the references cited by the Examiner do not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 1-9 are in a condition suitable for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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